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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 ZACHARY IRWIN POND,

11 Plaintiff,

12 v.

13 TERRANCE DOE,

14 Defendant.

CASE NO. 3:21-cv-05339-BJR-JRC

ORDER

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16 Plaintiff, proceeding *pro se*, filed this civil rights action under 42 U.S.C. § 1983. Having  
17 reviewed and screened plaintiff's proposed complaint under 28 U.S.C. §1915A, the Court  
18 declines to serve the proposed complaint but provides plaintiff leave to file an amended pleading  
19 by June 25, 2021 to cure the deficiencies identified herein.

20 The Court declines to rule on plaintiff's motion to proceed IFP (Dkt. 1) until plaintiff has  
21 provided a viable complaint. The Clerk is directed to renote plaintiff's motion to proceed IFP for  
22 June 25, 2021.  
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1       **I.       Background**

2           Plaintiff, who is a pretrial detainee housed at the Cowlitz County Jail, alleges that  
3 defendants failed to protect him, violated his due process rights, and retaliated against him. Dkt.  
4 1-1.

5       **II.       Discussion**

6           Under the Prison Litigation Reform Act of 1995, the Court is required to screen  
7 complaints brought by prisoners seeking relief against a governmental entity or officer or  
8 employee of a governmental entity. 28 U.S.C. § 1915A(a). The Court must “dismiss the  
9 complaint, or any portion of the complaint, if the complaint: (1) is frivolous, malicious, or fails to  
10 state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant  
11 who is immune from such relief.” *Id.* at (b); 28 U.S.C. § 1915(e)(2); *see Barren v. Harrington*,  
12 152 F.3d 1193 (9th Cir. 1998).

13          The Court is required to liberally construe pro se documents. *Estelle v. Gamble*, 429 U.S.  
14 97, 106 (1976). However, Federal Rule of Civil Procedure 8 requires a complaint to contain “a  
15 short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ.  
16 P. 8(a). “Each allegation must be simple, concise, and direct.” Fed. R. Civ. P. 8(d).

17          Here, plaintiff filed a 67-page complaint (including attachments). Dkt. 1-1. In the body of  
18 complaint, plaintiff repeatedly refers to “Attachment A.” *See id.* However, Attachment A appears  
19 to be a narration of events related to his alleged injuries and background information since his  
20 detainment at Cowlitz County Jail, and it is difficult to discern what actions defendants took that  
21 violated plaintiff’s constitutional rights. Plaintiff also appears to be alleging several  
22 constitutional violations, which arise from different incidents and are unrelated. Further, the  
23 exhibits attached to the complaint may serve as exhibits in support of plaintiff’s complaint, but  
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1 they are not a substitute for the complaint itself. As such, plaintiff has not filed a simple, concise,  
2 and direct complaint.

3 Because “the Court cannot glean what claims for relief might lay hidden in the narration  
4 provided by plaintiff and it is plaintiff’s responsibility to make each claim clear and provide only  
5 a short statement of facts supporting [each] claim,” *Henderson v. Scott*, 2005 WL 1335220, at \*1  
6 (E.D. Cal. May 4, 2005), plaintiff is ordered to file an amended complaint which complies with  
7 Federal Rule of Civil Procedure 8 and this Order.

### 8 **III. Instruction to Plaintiff and the Clerk**

9 Due to the deficiencies described above, the Court will not serve plaintiff’s proposed  
10 complaint. If plaintiff intends to pursue this § 1983 civil rights action, he must file an amended  
11 complaint and within the amended complaint, he must write a short, plain statement telling the  
12 Court: (1) the constitutional right that plaintiff believes was violated; (2) the name of the person  
13 who violated the right; (3) exactly what the individual did or failed to do; (4) how the action or  
14 inaction of the individual is connected to the violation of plaintiff’s constitutional rights; and (5)  
15 what specific injury plaintiff suffered because of the individual’s conduct. *See Rizzo v. Goode*, 423  
16 U.S. 362, 371–72, 377 (1976). Each claim for relief must be simple, concise, and direct.

17 Plaintiff shall present the amended complaint on the form provided by the Court. The  
18 amended complaint must be legibly rewritten or retyped in its entirety, it should contain the same  
19 case number, and it may not incorporate any part of the original complaint by reference. The  
20 amended complaint will act as a complete substitute for any previously filed complaint, and not as  
21 a supplement.

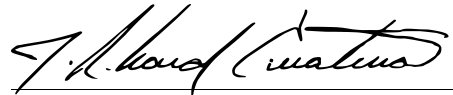
22 The Court will screen the amended complaint to determine whether it contains factual  
23 allegations linking each defendant to the alleged violations of plaintiff’s rights. The Court will not  
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1 authorize service of the amended complaint on any defendant who is not specifically linked to a  
2 violation of plaintiff's rights. The amended complaint shall not exceed twenty (20) pages absent  
3 leave of Court and upon a showing of good cause.

4 If plaintiff fails to file an amended complaint or fails to adequately address the issues raised  
5 herein on or before June 25, 2021, the undersigned will recommend dismissal of this action.

6 The Clerk is directed to send plaintiff the appropriate forms for filing a 42 U.S.C. § 1983  
7 civil rights complaint and for service. The Clerk is also directed to send copies of this Order and  
8 Pro Se Instruction Sheet to plaintiff.

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10 Dated this 26th day of May, 2021.

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13 J. Richard Creatura  
14 Chief United States Magistrate Judge  
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